



**MINUTES**  
**STATE BOARD OF NURSING**  
**FULL BOARD MEETING**  
**WEDNESDAY, OCTOBER 21, 2009**

**MEMBERS:** DEBORAH ARCHULETA, RN; CANDACE BERARDINELLI, PHD, RN, VICE PRESIDENT; PEGGY BUNKE, RN, NP; LISA DAVIS, RN; TONI GIBBONS, LPN; VICKI ERICKSON, PHD, RN, NP; CAROLYN JEFFERSON-JENKINS, PHD; CURTIS POWELLS, RN; SANDRA SUMMERS, RN; BETTY WOLFE, LPN; AND BARTLETT WRITER

**MEMBERS EXCUSED:** DEBORAH ARCHULETA, RN; VICKI ERICKSON, PHD, RN, NP; AND CURTIS POWELLS, RN

**PRESIDING:** SANDRA SUMMERS, RN, PRESIDENT

**COUNSEL:** Y. E. SCOTT, SENIOR ASSISTANT ATTORNEY GENERAL

**STAFF:** MARK MERRILL, PROGRAM DIRECTOR; MEGAN GRIFFITH, PROGRAM ASSISTANT

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**1. CONVENE AND ROLL CALL (9:10 A.M.)**

Sandra Summers, RN, President, called the meeting to order and conducted a roll call of the Board members present. The Board members present introduced themselves to the audience.

**2. APPROVAL OF MINUTES (9:02 A.M.)**

After discussion, a Motion was made, seconded and carried to approve the minutes of the August 26, 2009 Full Board meeting.

**3. PROGRAM DIRECTOR'S REPORT (9:08 A.M.)**

Mark Merrill, Program Director, gave a report to the Board regarding the following information and updates:

Director Merrill informed the Board of his and President Summers' recent trip to Philadelphia, Pennsylvania for the 2009 annual NCSBN Delegate Assembly. Director Merrill mentioned his attendance at the Nurse Compact Administrator's meeting highlighting the group's efforts to achieve more autonomy from NCSBN and their goals of fostering more compliance in administration and consistency amongst the member states. At the Area 1 meeting Director Merrill heard from the Interim Director for the California Board of Nursing who discussed the increase in available resources to help the Board and the administrators meet the challenges facing the California Board as a result of the record-setting budget short-falls. Director Merrill also mentioned the Key Note Speaker at Delegate Assembly from Croatia who discussed the challenges and pit-falls of creating a regulatory program for nursing from the ground-up which helped put the difficulties facing nursing regulation in the U.S. into perspective for the attendees.

Director Merrill referenced the article from the L.A. Times and Pro Publica in the Board's packet regarding recent events at the California Board of Nursing leading to the resignation of the Executive Director.

Director Merrill informed the Board of DORA's efforts to develop models for continuing education and continuing competency for the business and licensees under DORA's regulatory purview that may be helpful to the Board of Nursing in future rule and policy-making.

Director Merrill highlighted the implementation of changes in the Nurse Practice Act from 2009 which closed the loop-hole regarding continued competency requirements for nursing endorsement applicants requiring them to provide evidence of continued competency by showing active work as a nurse in the two year period before endorsing into Colorado from another U.S. state or territory.

Mr. Writer arrived at the meeting. Time: 9:17 AM.

President Summers gave a short oral presentation on the topic of Innovations in Nursing Education, a seminar she attended at the Delegate Assembly meeting in Philadelphia where the Delegate Assembly adopted model educational rules developed by educational subcommittees of NCSBN and state educators. President Summers noted that each individual State Board may choose to adopt or incorporate the contents of the model rules into their own existing rules. The Board noted President Summers' presentation and discussed how specific ideas could be interpreted and used in nursing education regulation by the Colorado State Board of Nursing.

Director Merrill informed the Board of the Division of Registrations' recent legislative outreach sessions held in Grand Junction and Fort Collins to help educate the public stakeholders regarding new legislation in certain professions and industries regulated by DORA. Informational sessions regarding the recent changes to the Nursing and Nurse Aide Practice Acts which were given at the Legislative Outreach sessions. Director Merrill also announced the plans for two additional outreach sessions to occur in October and November; one in the Pueblo area and one in the Denver/Metro area.

Director Merrill discussed the first meeting of the Medication Aide Task Force held in September and highlighted their efforts to begin revising the curriculum for Medication Aide Authority and the drafting of the new proposed rules that will specify the requirements for obtaining Medication Aide Authority for nurse aides, and to help refine the parameters of Medication Aide Authority practice. The Task Force plans to continue their efforts at their next scheduled meeting in November.

Director Merrill announced that at the January 2010 Full Board meeting the Board would, with the Board's granting authority, conduct two rulemaking hearings on the Chapter XV – *Rules and Regulations for Prescriptive Authority for Advanced Practice Nurses* and for the new proposed Chapter III – *Rules and Regulations for the Imposition of Fines*.

Director Merrill also announced that beginning with the December Panel Meetings that the Board would be transitioning to a paperless Board Books system whereby all future nursing meetings would be conducted electronically. Board Books will be uploaded to a computer software program and the Board members will log-into the system securely from their personal computers to review the packets. The Board meetings will be conducted electronically using secure laptop computers provided and supported by the Division of Registrations and Board staff.

**4. RULEMAKING HEARING: CHAPTER I – RULES AND REGULATIONS FOR THE LICENSURE OF PRACTICAL AND PROFESSIONAL NURSES (9:29 A.M.)**

At 9:29 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony and consider the proposed amendments to the Chapter I rules.

No written testimony from the public was received prior to the Rulemaking Hearing.

Staff testimony was given orally by Karen Dechant, Nurse Compact Administrator, who read additional proposed language amendments and refinements to the Board and the audience.

No oral or additional written testimony was given by the public during the Rulemaking Hearing.

At 9:33 A.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to consider all testimony received and to discuss proposed amendments to the Chapter I rules.

At 9:42 A.M., after discussion, a Motion was made, seconded and carried to adopt the Chapter I – *Rules and Regulations for the Licensure of Practical and Professional Nurses* as amended directing Board staff to make any further grammatical, typographical, and formatting changes as needed.

**5. RULEMAKING HEARING: CHAPTER XIX – RULES AND REGULATIONS FOR MEDICATION AIDE AUTHORITY**

At 9:42 A.M. the Board convened a public Rulemaking Hearing published pursuant to notice in order to hear testimony regarding proposed repeal of the to the Chapter XIX rules.

No additional staff testimony was presented during the Rulemaking Hearing.

No written testimony from the public was received and reviewed by the Board prior to the Rulemaking Hearing.

No oral or additional written testimony was given by the public during the Rulemaking Hearing.

At 9:45 A.M. all public testimony was concluded and the Hearing was closed. The Board entered into a work session in order to discuss proposed repeal of the Chapter XIX rules.

At 9:47 A.M., after discussion, a Motion was made, seconded and carried to repeal the Chapter XIX – *Rules and Regulations for Medication Aide Authority*.

**6. POLICY CHANGES (9:49 A.M.)**

The Board reviewed a Memorandum from Program Director Merrill outlining the proposed changes to the following Board policies:

1. Revised Policy 10-03: *Continued Competency Requirements for Practical and Professional Nurses*. After discussion, a Motion was made, seconded and carried to adopt policy 10-03 as amended.

**7. Application for the Nurse Aide Advisory Committee (9:50 A.M.)**

The Board reviewed an application from Amelia Schafer for the Nurse Aide Advisory Committee as a public member representative.

After discussion, a Motion was made, seconded and carried to appoint Ms. Schafer to the Nurse Aide Advisory Committee as a public member representative for her first term beginning October 21, 2009 to August 31, 2013.

**8. QUARTERLY REPORTS (9:51 A.M.)**

The Board reviewed and noted the following reports:

1. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the NAAC Quarterly Report – July through September 2009.
2. Memorandum from Rita Postolowski, Licensing and Contracts Manager, with attachments including the Panel Quarterly Report – July through September 2009.
3. Memorandum from Terrie Miller, Enforcement Manager with attachments including the Enforcement Unit Quarterly Report – July through September 2009.
4. Quarterly Case Statistics Quarterly Report – 7/1/09 through 9/24/09, Y. E. Scott, Senior Assistant Attorney General.
5. Memorandum and Expedited Settlement Quarterly Report – 9/1/09 through 9/30/09 which was presented by Kennetha Julien, Director, Office of Expedited Settlement.

**9. RECESS (9:53 A.M.)**

The Board took a brief recess and then reconvened the meeting at 10:03 A.M.

**10. UPDATE FROM SUSAN MILLER, DIRECTOR, HEALTHCARE SECTION REGARDING BON/BME WORKGROUP FOR COMPLEMENTARY RULES (10:04 AM).**

Director Miller introduced the new Director of the Nurse Physician Advisory Task Force for Colorado Healthcare (NPATCH), Maureen Hartlaub, and the Administrative Assistant for NPATCH, Christine Hitchcock to the Board.

Director Miller discussed the collaborative effort between the work group and the stakeholders regarding the recommendations for the changes to the Board of Nursing's Chapter XV Rules and for the development of complementary Board of Medical Examiners rules in relation to Prescriptive Authority for Advanced Practice Nurses. Director Miller informed the Board that the recommendations had been finalized by the workgroup and if the Board approved, the initiation of the Rulemaking process would begin, and the Hearing to amend the Chapter XV Rules would be held in January of 2010. Director Miller informed the Board that the Board of Medical Examiners would be reviewing the

workgroup's recommendations at their next Full Board in November and that their plan was to initiate the Rulemaking process for early 2010 as well.

President Summers and Vice President Berardinelli, both members of the workgroup, commented that they were pleased with how the work group collaborated to bring consensus to the recommendations presented to the Boards at that time.

After further discussion, a Motion was made, seconded and carried to initiate the Rulemaking Process for the Chapter XV – *Rules and Regulations for Prescriptive Authority for Advanced Practice Nurses*; the Rulemaking Hearing to be held at the January 2010 Full Board meeting.

Director Merrill further discussed the transition of processes involved for those applicants applying for Prescriptive Authority between now and June 30, 2010. Those licensees granted Prescriptive Authority prior to June 30, 2010 would not be required to obtain additional precepted hours after the July 1, 2010 rule and legislation change, but would have to attest to completion of an articulated plan.

#### **11. OPEN FORUM (10:20 A.M.)**

Testimony was given to the Board by the following:

1. Kathy Gutierrez of Aurora, CO, Dean of Nursing School from Platt College. Dr. Gutierrez addressed the Board regarding Platt College's application for Phase IV approval.

2. Gloria Ohmart of Wheat Ridge, CO, Director of Nursing from CollegeAmerica. Ms. Ohmart addressed the Board regarding CollegeAmerica's application for Phase II approval and submitted letters of intent.

3. Fran Ricker of Louisville, CO, Executive Director, Colorado Nurses' Association. Ms. Ricker thanked the Board on behalf of the CNA for their involvement and collaboration in the BON/BME work group on the Advanced Practice Prescriptive Authority rules. Ms. Ricker noted CNA's positive response to the rules and the collaborative process. Ms. Summers thanked Ms. Ricker and the CNA for their involvement in the work group process as well.

4. Barbara White of Lakewood, CO, Dean of Nursing and Sciences from Colorado Christian University. Dr. White addressed the Board regarding CCU's Phase II application approval.

#### **12. NURSE AIDE TRAINING PROGRAMS REPORTS (10:31 A.M.)**

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Compliance Investigator, were ratified by the Board:

##### **I. Interim Approval**

- 08/26/2009 beo Nurse Aide Training Program
- 09/16/2009 Trinidad State Nursing Home

##### **II. Full Approval**

- 09/18/2009 Adams City High School

- 09/21/2009 Heritage Park Care Center
- 09/23/2009 Front Range Community College – Westminster
- 09/25/2009 St. Vincent Hospital

**III. Closure**

- 09/30/2009 Stillwater Executive Institute – Trinidad

**IV. Inactivation**

- 09/10/2009 CollegeAmerica - Denver

**V. Suspended Admissions**

- 08/05/2009 Caring Hands
- 08/20/2009 Certifications Plus

**13. NURSING EDUCATION REPORTS (10:32 A.M.)**

Educational Notes

The Board reviewed and noted the following:

1. Pickens Technical College PN nursing education program documentation of adjunct faculty support
2. DNEP Concorde Career College, Martie Stangoni resigned 9/29/09
3. January 1, 2008 – July 31, 2008 Semi Annual Report Summary
4. Nursing Education Programs that have recently achieved Candidate Status from NLNAC
  - Arapahoe Community College- ADN RN nursing education program
  - Delta Montrose Technical College – PN nursing education program
  - Front Range Community College- Boulder County PN nursing education program
  - Front Range Community College- Boulder County ADN RN nursing education program
  - Front Range Community College- Larimer Campus ADN RN nursing education program
  - Front Range Community College- Westminster ADN RN nursing education program
  - Platt College School of Nursing- BSN nursing education program

**14. RECESS (10:34 A.M.)**

The Board took a brief recess and then reconvened the meeting at 10:45 A.M.

**15. NURSING EDUCATION REPORTS - CONTINUED (10:45 A.M.)**

Phase II of the Approval Process

Colorado Christian University – Statewide Traditional BSN program. Board Action #1: How many students may Colorado Christian University admit annually or per semester based on their clinical placement agreements and lab faculty agreements:

The Board reviewed a Memorandum from Roberta Hills, Nursing Education Specialist with attachments. After discussion, a Motion was made, seconded and carried to grant Colorado Christian University Phase II approval allowing 48 students to be admitted annually with no restriction on geographic location. After further discussion, a second Motion was made, seconded and carried to repeal the decision to grant Phase II approval allowing 48 students to be admitted annually with no restriction on location.

Colorado Christian University – Statewide Traditional BSN program Board Action #2: Has Colorado Christian University's Phase II application sufficiently addressed all of the requirements of the Chapter II Rules and Regulations so that the University's BSN Program be granted Phase II Interim Approval?

After further discussion, a Motion was made, seconded and then failed to carry to remove the specific geographic restrictions on student enrollment previously granted by the Board at the August 26, 2009 Full Board meeting when the Board initially reviewed the application for Phase II approval.

After discussion, a Motion was made, seconded and carried to deny Phase II approval. The Board then re-opened the discussion on the vote to allow 48 students annually. Since the Board did not grant Phase II approval, the vote was rescinded.

**16. RECOGNITION OF BOARD MEMBERS AND NURSE AIDE ADVISORY COMMITTEE MEMBERS WHOSE SERVICE ENDED WITHIN THE LAST YEAR (11:30 A.M.)**

Director Merrill and Sandra Summers, RN, President recognized the service to the Department of Regulatory Agencies' mission of consumer protection to the citizens of Colorado from each of the members of the Board and Nurse Aide Advisory Committee whose service ended within the last year. A plaque marking the area of representation and service period was distributed to each of the following members:

**Nurse Aide Advisory Committee Members:**

1. Lorna Cary, August 2006 through August 2009. Ms. Cary served as a Family Member of a Consumer of Nursing Services Representative.

2. Patricia McBride, RN, April 2005 through July 2009. Ms. McBride served as a Nursing Facility Representative and as the Committee Chairperson.

3. Nea Sullivan, RN, August 2006 through March 2009. Ms. Sullivan served as a Nurse Who Supervises CNAs Representative. Ms. Sullivan was unable to attend the meeting in person so her plaque will be sent via mail.

**Board Members:**

1. Judith Burke, RN, NP, July 2003 through July 2009. Ms. Burke served as the Advanced Practice Nursing Representative and the Chairperson for Inquiry Panel A. Ms. Burke was unable to attend the meeting in person so her plaque will be sent via mail.

The Board also recognized newly appointed member of the Nurse Aide Advisory Committee, Nancy Joe Shaw, who began her service in September as a Public Member representative, who attended the recognition luncheon.

**17. LUNCH (11:32 A.M.)**

The Board recessed the meeting and reconvened at 12:32 P.M.

**18. NURSING EDUCATION REPORTS - CONTINUED (12:32 A.M.)**

Phase II of the Approval Process - Continued

CollegeAmerica – ADN program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to deny Phase II approval. The Board instructed CollegeAmerica to remove the statement from the student handbook stating that the State Board of Nursing gives students the right to perform nursing functions/procedures.

Phase IV of the Approval Process

Platt College – BSN Program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Phase IV Full Approval pending Platt College sufficiently addressing the remaining non-compliant items and verifying the items already addressed, not to exceed six months.

Colorado Christian University – Western Colorado Center LPN to ASN Program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Phase IV Full Approval pending Colorado Christian University's LPN to ASN program's ability to sufficiently address the remaining areas of non-compliance not to exceed six months.

Continuing Full Approval

Morgan Community College – ADN Program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the NLNAC recommendation in lieu of the Board's regular site visit and to grant Morgan Community College ADN Program Continuing Full Approval for five years.

University of Colorado Denver College of Nursing – BSN Program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the site visit report and the University of Colorado Denver College of Nursing's response; to accept the CCNE Commissioner's decision on accreditation in lieu of the Board's Continuing Approval for five years for the University's BSN degree with a major in nursing.

Regis University – Loretto Heights School of Nursing – BSN Program.

Dr. Berardinelli recused herself, left the room and did not participate in the discussion or vote on this item. Time: 12:54 P.M.

The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the Board's site visit



report and Regis University Loretto Heights School of Nursing's response; and to accept the CCNE Commissioner's decision on accreditation in lieu of the Board's Continuing Approval for five years for the University's BSN degree with a major in nursing.

[Dr. Berardinelli](#) returned to the meeting. Time: 12:55 P.M.

Pikes Peak Community College – ADN Program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant Continuing Full Approval for five years.

#### NCLEX Pass Rates

Community College of Denver – ADN Program. The Board reviewed a Memorandum with attachments from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to accept the Progress Report as submitted, continue to monitor the pass rates. The Board asks that CCD provide Board staff with a mapping of clinical placements currently available to the proposed number of students admitted so as to ensure that delayed clinical experiences are no longer characteristic of the program. The Board also encourages all unqualified faculty to enroll in graduate programs in nursing if they are full-time faculty and baccalaureate degree granting programs in nursing if they are part-time faculty to meet the Board's requirements as established in the Chapter II Rules. The Board asks that CCD document their efforts to find and secure qualified faculty. The Board also asks that CCD provide license and education verification of those faculty whose information is missing from the Board's files.

#### **19. NURSE PEER HEALTH ASSISTANCE/NURSE ALTERNATIVE TO DISCIPLINE PROGRAM QUARTERLY REPORTS AND UPDATE – PEER ASSISTANCE SERVICES, INC. (PAS) (1:01 P.M.)**

Rebecca Heck, RN, MPH, Program Director, addressed the Board and summarized the report for the first quarter, July 1, 2009 through September 30, 2009 including a summary of all program services delivered. The Board thanked Ms. Heck for PAS's continuing efforts in providing quality services with the Nurse Peer Health Assistance/Nurse Alternative to Discipline Program and noted the contents of the Quarterly Report.

There being no further business, the State Board of Nursing adjourned the meeting at 1:16 P.M.

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Sandra Summers, PhD, RN, President  
Colorado State Board of Nursing